HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25822 of 2006

Dated:13.12.2006

Between:

R.Jayamma.

…Petitioner

and

The Govt. of A.P., and another.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25822 of 2006

ORDER:

The petitioner is a resident of Mallam Gunta, Chandragiri Mandal of Tirupati in Chittoor District. She alleges that her husband purchased land admeasuring Acs.2.25 cents in Survey No.496/c situated at Avilala Village, Tirupati Sub Division, Tirupati Rural Mandal, Chittoor District, from one Gangaiah, under registered sale deed dated 29.12.1966. After the death of her husband, the petitioner became the absolute owner of the said property and she is the only legal heir. Due to financial difficulties, she intended to sell the said property and entered into agreement of sale with the purchasers, and approached the second respondent for registering the said documents. The petitioner alleges that the second respondent orally refused to register the same, aggrieved by which, the present Writ Petition is filed.

Heard the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to Sections 31 to 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004, dated 01.09.2004.

Following the above, this Writ Petition is disposed of directing the second respondent or any other Registering Officer to accept the

document presented by the petitioner and consider for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. Even thereafter, if the petitioner has any grievance, she may file appeal before the Appellate Authority under Section 72 of the Act. Thereafter, if any adverse order is passed by the Appellate Authority, the petitioner can file a suit under Section 77 of the Act. No costs.

_____

(V.V.S.RAO, J)

13.12.2006
vs